

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
Telecommunications Relay Services and)	
Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	
)	CG Docket No. 03-123
)	
Americans With Disabilities Act of 1990)	

**Comments of
The State of Maryland
Department of Budget & Management**

The State of Maryland applauds the diligent effort of the Federal Communications Commission (FCC) over the past 10 years to provide quality TRS while considering all stakeholders. We feel that this task is becoming more technical and time consuming for the dedicated staff in the Disability Rights Office (DRO). As our stakeholders have become more knowledgeable, we propose the creation of a TRS Advisory Group comprised of TRS providers, state relay administrators and appropriate FCC personnel.

Establishment of an TRS dedicated advisory/working group

We suggest that this group formally present ideas and technical suggestions to the FCC for action in future rulings. By using feedback from this group, the Disability Rights Organization (DRO) will have a more complete understanding of state and provider issues before issuing new orders. Information sharing between the DRO, TRS Advisory Group, and members of the FCC prior to the establishment of new regulations may be of assistance to the FCC, so that they may use their resources to enforce

regulations rather than continuously changing them. We suggest that this advisory group consist of TRS providers, state relay administrators and FCC personnel. The purpose of this group would be to share technical and economic feasibility for TRS enhancements. This group would also be proactive in the continuing education of TRS consumers and TRS administrators regarding new and existing technologies through communication with the various interest groups. It is suggested that through open discussions, this group will give TRS providers, FCC regulators, and state administrators the ability to work toward usable, feasible rules without the disclosure of proprietary information. The primary purpose of this group is to provide an in-depth understanding of the TRS from many different perspectives at the beginning of the rulemaking process, thus making the process more efficient.

A. National Security/Emergency Preparedness for TRS Facilities and Services

The State of Maryland heartily concurs with the FCC proposal that TRS facilities receive a National Security/Emergency Preparedness status commensurate with that given to Local Exchange Carrier facilities. Based on experiences during a State of Emergency, specifically the terrorist attacks of September 11, 2001, the Maryland Relay was shut down. If TRS had Critical Telecommunications Service Designation the center may have been able to operate and process calls. During the blizzard in the winter of 2003, the Maryland Relay Center operations were interrupted because operators who were willing and able to get to the Maryland Relay Center could not because a State of Emergency allowed only emergency personnel on the roadways. Again, TRS does not have emergency status. TRS users were required to wait extended periods of time for an operator. We firmly believe that TRS users must have the same access to the telecommunications network as non-TRS users have during emergency situations. This proposal that TRS facilities receive the status commensurate with that given to LEC facilities will assure this equal access. FCC recognizes TRS as dial tone for relay users with hearing and speech loss, therefore, access to the TRS switch should be available when any citizen has access to dial tone on the Public Switched Telephone Network (PSTN). We request that the FCC and FEMA require that both LEC and TRS facilities be reinstated simultaneously if they have been compromised in an emergency. The State of Maryland is proactively working with Maryland Emergency Management Agency (MEMA) to gain the status of “emergency personnel” for Maryland Relay staff. We see this effort as a beginning and are looking forward to working with the FCC and other states on this critical, time sensitive issue.

The State of Maryland further encourages the FCC to require all TRS providers to establish a formal agreement to support each other during emergency situations. There may have been an informal agreement between providers in cases of emergency in the past, but we have seen no evidence of this. Without such an agreement, many TTY users may not have access to TRS, as demonstrated by the lack of service to TRS customers in Florida during Hurricane Andrew in 1999. Standard telephone users did have dial tone service at that time. We are hopeful that the FCC will address the vital concern as a separate item, and that the above-mentioned concern for TRS will be recognized and addressed into the National Homeland Security plans immediately.

B. Mandatory Minimum Standards

Operational Standards

Security of Internet Protocol Relay Calls

The State of Maryland believes that Internet Relay calls should receive the same protection through encryption that is provided to commercial transactions over the Internet. The ADA clearly states that TRS is solely for the purposes of a hearing or speech disabled person to communicate on a functionally equivalent manner with that of standard phone users. Every TRS provider and many state administrators have had to deal with operators who are clearly being used to say obscene things to a group of hearing people in the same room as the person on the computer. It is clear to the operator that they are all hearing people due to the conversations overheard. State administrators have had to assist parents who are distraught because someone has found that they can use relay to call other students and/or their parents to threaten bodily harm. It is often our experience that local police have minimal knowledge about TRS and the correlation of Internet crime and TRS. It has come to our attention that often the computer crimes division of local or state police departments are unaware of the procedures for investigation and solving these crimes. Further, the law enforcement agencies are not aware of jurisdiction in these matters and merely refer the consumer back to the TRS provider with the statement that this is not a police issue, but is solely under the jurisdiction of the TRS provider.

Due to the complex nature of Internet security regarding TRS, the State of Maryland proposes that an Internet Relay call be subject to the same laws as a Public Switched Telephone Network (PSTN) call because one-half of each call of this type is carried over the PSTN and should be enforced by the various federal agencies that monitor this type of abusive behavior on the PSTN.

The State of Maryland believes that security measures are necessary to eliminate the anonymous, fraudulent use of Internet Relay that occurs at NECA's expense. Examples of misuse include, but are not limited to, long-distance calls placed from and to hearing individuals via Internet Relay, and untraceable threats or harassing calls placed through Internet Relay.

Non-English Language TRS

Due to English language limitations of some TRS user populations, the State of Maryland believes that non-shared language translation services must be provided in order to achieve functional equivalency. Other languages should be added to a particular state's TRS platform when the population of users of such language equals that of the English, ASL, and Spanish users. We further feel that there should be a clarification of the term "verbatim ASL translation" in the TRS rules. ASL is recognized as a complete language and should be translated with the same "verbatim" accuracy as any other recognized language. For example, when Spanish is translated to English and back to Spanish, the appropriate grammatical structure and conceptual meaning is assumed in a verbatim translation.

"A otro perro con ese hueso". The literal or "verbatim translation" is **"To another dog with that bone."** The conceptually correct verbatim translation is **"You're putting me on"** or **"You're pulling my leg"**.

Literal translation into the target language does not always truly reflect the meaning expressed in the source language. Therefore, we feel that standard translation norms should apply to ASL translation in an equivalent manner to that of any other language translation.

Technical Standards

Speed of Answer and Call Set-up Time

The State of Maryland suggests the current measurement of ASA be discontinued and that there be a more realistic, useable measurement of the time the provider's network receives the call to the time the call is placed. The current calculation is not adequate in a myriad of situations and forces the providers to find creative but inconsistent ways to meet the ASA requirements. Stakeholders have no way to truly measure and compare vendor performance. If established, discussions with the TRS Advisory Group proposed in the beginning of this document are needed to determine a consistent and enforceable measurement. It is also vital that this measurement be consistent and feasible to implement among all

TRS providers. All TRS users, providers, and administrators should also easily understand this measurement.

Access to 7-1-1 Complexities

The problem of consistent and accurate ASA measurement will increase in complexity as newer technologies (i.e. VRS, Internet Relay, CapTel) offered by multiple vendors are required to be accessed via 7-1-1. The State of Maryland suggests discussions commence on call setup time, the feasibility of re-routing calls coming in on 7-1-1 to a particular state relay provider for products not on that state's TRS platform (i.e. products with features similar to CapTel or other TRS products), and the impact to TRS consumers. Discussions should include the amount of time used in the call type setup process, how this will be measured in relation to use of an Interactive Voice Response (IVR) system, upon whom the responsibility for providing distribution of calls into 7-1-1 should fall (the LEC through customer selection or menu selection or the TRS provider), as well as many other very technical issues that have not been addressed. These critical determinations should not be made without all vested parties understanding all implications of the decisions, including time, technical, and financial. It is vital to keep the focus of the discussion of redefinition of ASA requirements, whether on 7-1-1 or on a dedicated TRS phone number, to having a TRS user's call dialed in the fastest and most efficient manner and the new measurement be clearly understood and implemented by all TRS providers in a consistent manner.

TRS Facility Communication Access Real Time Translation

Maryland Relay has conference calling capability, called Maryland Conference Relay. Prior to requiring this or any service to be reimbursed through the TRS fund there must be definite guidelines of acceptable use as a telecommunications feature and not a replacement for on-site interpreting. Without enforceable guidelines, Maryland Conference Relay, VRS, and other new features could deplete the national TRS fund, and possibly, state relay program funding if any or all of the cost of this service are passed back to state programs. The State of Maryland feels that more discussion is needed before we can support Maryland Conference Relay as a required feature of TRS.

Interrupt Functionality

The State of Maryland believes that interrupt functionality is an important adjunct to TRS. Interrupt functionality is important to furthering the goal of functional equivalency for relay users. Without the

universal capability of all TTYs or PCs to interrupt, there remains a huge hurdle in moving forward with the implementation of this requirement. It should be noted that replacement of all TTYs nationwide to allow compliance with a rule of this nature is not feasible.

Public Access to Information and Outreach

What is the current rate of hang-ups on TRS calls?

There are not any hard numbers to measure this rate, but based on conversations with relay operators and those who depend upon relay for telephone communication, hang-ups on TRS calls continue to be a frustration. The public relations and outreach program in the State of Maryland have resulted in a substantial decrease in hang-ups in certain sectors of the population. It has been observed that hang-ups by entities receiving education through the State's and relay user's efforts are reduced, however, this continues to be a pervasive issue when those unfamiliar with Maryland Relay are called. It is also believed that until TRS becomes "household" word on a national level, the problem of hang-ups will continue.

How many of these are attributable to customer confusion?

Several factors contribute to customer confusion:

1. Some TRS providers do not truly pass Caller ID information, resulting in TRS calls either being blocked by Call Intercept or the assumption that the call is a "sales call" due to the "unavailable" or "out of the area" message conveyed to the called party.
2. Members of the business community are often frustrated with the inability to interrupt, the extended amount of time dedicated to one call, and the inability to smoothly process multiple calls simultaneously. This frustration leads to the reluctance to accept a TRS call when short staffed or very busy. Business people often choose to process several voice calls quickly rather than to service one TRS user during that same time period. National advertising directed at the benefit involved in accepting TRS calls and education of the user community regarding efficient call processes would be in the best interest of all.
3. TRS announcements at the beginning of a call often give the called party the perception that the

call received is a sales call, not a call from a customer.

4. Education to the user community about the use of a personalized relay call announcement rather than the standard TRS provider announcement should be added to national outreach efforts. A personalized announcement would let the called party know upon answering the telephone that the call is from a customer, not an unsolicited party.

Carrier/Provider Responsibilities for Outreach

Carriers are given the responsibility to inform the public regarding TRS in 47 CFR Part 64. However, the requirement does not appear to be followed by all carriers. Also, the wording and placement of current information is unclear and inconsistent. Carriers have realized that there is no enforcement of this law, therefore, they have no motivation to comply. TRS providers are reluctant to spend large amounts of money on a national program that will benefit another provider who does not share the cost of the advertising. A national non-branded outreach effort would allow for consistency in providing information to the general public benefiting all relay users. National non-branded advertising would also make it easier for providers and individual states to build on the national campaigns.

Provider Certification

The State of Maryland feels that it is imperative that providers be fully certified before receiving reimbursement from the national TRS Fund. During a meeting of NECA in September 2003 in New Mexico, it was stated that the TRS fund administration has no authority to oversee the quality of nationally funded TRS services. The state programs are ignored by TRS providers and do not have any authority to perform quality assurance and/or discuss issues with them because the states have no fiscal responsibility for the products. The FCC, however, expects the states to oversee these products and report them in the state certification process.

The State of Maryland suggests that a finite advisory group comprised of state administrators and FCC representatives provide the DRO with comprehensive information on the quality of current products reimbursed through the TRS fund. These products include interstate standard TRS, Internet Relay, interstate calls through CapTel, VRS, as well as any future innovations approved for reimbursement. This team should have technical understanding as well as experience monitoring TRS services and should include at least one technical person from the FCC in an advisory capacity. The technical

advisor from the FCC would be responsible for gathering information from various vendors ensuring the team has a working understanding of the products involved.

Respectfully Submitted,

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